



House of Representatives

File No. 666

General Assembly

February Session, 2000

(Reprint of File No. 353)

Substitute House Bill No. 5276
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
April 26, 2000

An Act Concerning The Mandatory School Attendance Age.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-184 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 All parents and those who have the care of children shall bring them
4 up in some lawful and honest employment and instruct them or cause
5 them to be instructed in reading, writing, spelling, English grammar,
6 geography, arithmetic and United States history and in citizenship,
7 including a study of the town, state and federal governments. Subject
8 to the provisions of this section and section 10-15c, each parent or other
9 person having control of a child five years of age and over and under
10 [sixteen] eighteen years of age shall cause such child to attend a public
11 school regularly during the hours and terms the public school in the
12 district in which such child resides is in session, unless such child is a
13 high school graduate or the parent or person having control of such
14 child is able to show that the child is elsewhere receiving equivalent
15 instruction in the studies taught in the public schools. The parent or

16 person having control of a child sixteen or seventeen years of age may
17 consent, as provided in this section, to such child's withdrawal from
18 school. Such parent or person shall personally appear at the school
19 district office and sign a withdrawal form. The school district shall
20 provide such parent or person with information on the educational
21 options available in the school system and in the community. The
22 parent or person having control of a child five years of age shall have
23 the option of not sending the child to school until the child is six years
24 of age and the parent or person having control of a child six years of
25 age shall have the option of not sending the child to school until the
26 child is seven years of age. The parent or person shall exercise such
27 option by personally appearing at the school district office and signing
28 an option form. The school district shall provide the parent or person
29 with information on the educational opportunities available in the
30 school system.

31 Sec. 2. Subsection (a) of section 10-5 of the general statutes is
32 repealed and the following is substituted in lieu thereof:

33 (a) The Commissioner of Education shall, in accordance with this
34 section, issue a state high school diploma to any person (1) who
35 successfully completes an examination approved by the commissioner
36 or (2) who (A) is sixteen or seventeen years of age [or older] and has
37 been officially withdrawn from school in accordance with the
38 provisions of section 10-184, as amended by this act, or is eighteen
39 years of age or older and (B) presents to the commissioner evidence
40 demonstrating educational qualifications which the commissioner
41 deems equivalent to those required for graduation from a public high
42 school. Application for such a diploma shall be made in the manner
43 and form prescribed by the commissioner provided at the time of
44 application to take the examination described in subdivision (1) of this
45 subsection the applicant is seventeen years of age or older, has been
46 officially withdrawn from school, in accordance with section 10-184, as
47 amended by this act, for at least six months and has been advised, in
48 such manner as may be prescribed by the commissioner, of the other
49 options for high school completion and other available educational

50 programs. For good cause shown, the commissioner may allow a
51 person who is sixteen years of age to apply to take the examination,
52 provided the commissioner may not issue a state high school diploma
53 to such person until the person has attained seventeen years of age.

54 Sec. 3. Subsection (a) of section 10-220 of the general statutes is
55 repealed and the following is substituted in lieu thereof:

56 (a) Each local or regional board of education shall maintain good
57 public elementary and secondary schools, implement the educational
58 interests of the state as defined in section 10-4a and provide such other
59 educational activities as in its judgment will best serve the interests of
60 the school district; provided any board of education may secure such
61 opportunities in another school district in accordance with provisions
62 of the general statutes and shall give all the children of the school
63 district as nearly equal advantages as may be practicable; shall provide
64 an appropriate learning environment for its students which includes
65 (1) adequate instructional books, supplies, materials, equipment,
66 staffing, facilities and technology, (2) equitable allocation of resources
67 among its schools, and (3) a safe school setting; shall have charge of the
68 schools of its respective school district; shall make a continuing study
69 of the need for school facilities and of a long-term school building
70 program and from time to time make recommendations based on such
71 study to the town; shall report annually to the Commissioner of
72 Education on the condition of its facilities and the action taken to
73 implement its long-term school building program, which report the
74 commissioner shall use to prepare an annual report that he shall
75 submit in accordance with section 11-4a to the joint standing
76 committee of the General Assembly having cognizance of matters
77 relating to education; shall advise the Commissioner of Education of
78 the relationship between any individual school building project
79 pursuant to chapter 173 and such long-term school building program;
80 shall have the care, maintenance and operation of buildings, lands,
81 apparatus and other property used for school purposes and at all times
82 shall insure all such buildings and all capital equipment contained
83 therein against loss in an amount not less than eighty per cent of

84 replacement cost; shall determine the number, age and qualifications
85 of the pupils to be admitted into each school; shall develop and
86 implement a written plan for minority staff recruitment for purposes
87 of subdivision (3) of section 10-4a; shall employ and dismiss the
88 teachers of the schools of such district subject to the provisions of
89 sections 10-151 and 10-158a; shall designate the schools which shall be
90 attended by the various children within the school district; shall make
91 such provisions as will enable each child of school age, residing in the
92 district to attend some public day school for the period required by
93 law and provide for the transportation of children wherever
94 transportation is reasonable and desirable, and for such purpose may
95 make contracts covering periods of not more than five years; may
96 place in an alternative school program or other suitable educational
97 program a pupil enrolling in school who is nineteen years of age or
98 older and cannot acquire a sufficient number of credits for graduation
99 by age twenty-one; may arrange with the board of education of an
100 adjacent town for the instruction therein of such children as can attend
101 school in such adjacent town more conveniently; shall cause each child
102 five years of age and over and under [sixteen] eighteen years of age
103 who is not a high school graduate and is living in the school district to
104 attend school in accordance with the provisions of section 10-184, as
105 amended by this act, and shall perform all acts required of it by the
106 town or necessary to carry into effect the powers and duties imposed
107 by law.

108 Sec. 4. Subsection (d) of section 10-233d of the general statutes is
109 repealed and the following is substituted in lieu thereof:

110 (d) Notwithstanding the provisions of subsection (a) of section 10-
111 220, as amended by this act, local and regional boards of education
112 shall only be required to offer an alternative educational opportunity
113 in accordance with this section. Any pupil under sixteen years of age
114 who is expelled shall be offered an alternative educational opportunity
115 during the period of expulsion, provided any parent or guardian of
116 such pupil who does not choose to have his or her child enrolled in an
117 alternative program shall not be subject to the provisions of section 10-

118 184. Any pupil expelled for the first time who is between the ages of
119 sixteen and eighteen and who wishes to continue his or her education
120 shall be offered an alternative educational opportunity if he or she
121 complies with conditions established by his or her local or regional
122 board of education. Such alternative may include, but shall not be
123 limited to, the placement of a pupil who is at least sixteen years of age
124 in an adult education program pursuant to section 10-69. A local or
125 regional board of education shall count the expulsion of a pupil when
126 he was under sixteen years of age for purposes of determining whether
127 an alternative educational opportunity is required for such pupil when
128 he is between the ages of sixteen and eighteen. A local or regional
129 board of education may offer an alternative educational opportunity to
130 a pupil for whom such alternative educational opportunity is not
131 required pursuant to this section.

132 Sec. 5. Subsection (a) of section 10-198a of the general statutes is
133 repealed and the following is substituted in lieu thereof:

134 (a) For purposes of this section, "truant" means a child age five to
135 [sixteen] eighteen, inclusive, who is enrolled in a public or private
136 school and has four unexcused absences from school in any one month
137 or ten unexcused absences from school in any school year.

138 Sec. 6. Section 10-200 of the general statutes is repealed and the
139 following is substituted in lieu thereof:

140 Each city and town may adopt ordinances concerning habitual
141 truants from school and children between the ages of five and [sixteen]
142 eighteen years wandering about its streets or public places, having no
143 lawful occupation and not attending school; and may make such
144 ordinances respecting such children as shall conduce to their welfare
145 and to public order, imposing penalties, not exceeding twenty dollars,
146 for any one breach thereof. The police in any town, city or borough
147 and bailiffs, constables, sheriffs and deputy sheriffs in their respective
148 precincts shall arrest all such children found anywhere beyond the
149 proper control of their parents or guardians, during the usual school

150 hours of the school terms, and may stop any child under [sixteen]
151 eighteen years of age during such hours and ascertain whether such
152 child is a truant from school, and, if such child is, shall send such child
153 to school. For purposes of this section, "habitual truant" means a child
154 age five to [sixteen] eighteen, inclusive, enrolled in a public or private
155 school who has twenty unexcused absences within a school year.

156 Sec. 7. Subdivision (5) of section 45a-604 of the general statutes, as
157 amended by section 4 of public act 99-84, is repealed and the following
158 is substituted in lieu thereof:

159 (5) "Guardianship" means guardianship of the person of a minor,
160 and includes: (A) The obligation of care and control; and (B) the
161 authority to make major decisions affecting the minor's education and
162 welfare, including, but not limited to, consent determinations
163 regarding marriage, enlistment in the armed forces and major medical,
164 psychiatric or surgical treatment.

165 Sec. 8. This act shall take effect July 1, 2001.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Future Cost, Potential Cost

Affected Agencies: Department of Education, Department of Public Safety, Various Criminal Justice Agencies

Municipal Impact: Future Cost, Potential Cost, Potential Minimal Revenue Gain, STATE MANDATE

Explanation

State and Municipal Impact

This bill results in a future cost to the state beginning in FY 03. The cost is due to increased student counts used for the ECS formula grant. The ECS formula grant uses student counts from the previous school year to determine aid. This bill will increase student counts for the 2001-02 school year thus increasing FY 03 grants. Due to a lack of data and unknown parental consent rates allowing students to drop out, an exact cost cannot be determined. However, should parents not consent to allowing these students to drop out the state cost will be significant.

This bill will result in a future cost to local and regional school districts as it will increase the number of students attending school in the 2001-02 school year. The exact cost cannot be precisely determined as data is unavailable on potential students not currently attending school by age group nor can a projection be made on parental consent rates which would allow students sixteen or seventeen years of age to drop out.

The most recent statewide cumulative drop out rate is 15.1% (class of 1998). The rate for the state's neediest districts (education reference group I) ERG I is 23.7%. The rates for Bridgeport, Hartford and New Haven are 25.8%, 51.0% and 29.7% respectively.

The cost in the large urban districts, where drop out rates are relatively high, may be significant. This bill will likely result in the hiring of additional staff and require other additional resources to be purchased. Smaller districts with lower drop out rates and smaller overall total students may be able to accommodate increased numbers of students, this will not be the case in large urban districts. Additionally, many of these students would likely require more specialized programs, such as remedial education, which also requires higher expenditures.

In the following fiscal year, FY 03, the local and regional school districts would receive increased state aid through the ECS grant that may offset the increased local expenditure.

Additionally, this bill could result in additional costs to the state and municipal police departments that cannot be determined at this time, and could also result in a minimal revenue gain to municipalities. The bill extends the age of a truant from 16 to 18 years of age. Current law allows municipalities to establish ordinances concerning habitual truants from school and requires police officers to arrest or return them to school when identified. Additional law enforcement costs would result to the extent that this results in more persons being arrested. Potential costs are indeterminate. There is also a potential minimal revenue gain to municipalities through penalties that they may establish by ordinance.

House "A" and "B" result in the potential cost and potential minimal revenue gain associated with extending the age of truancy from 16 to 18 years of age.

OLR Amended Bill Analysis

sHB 5276 (as amended by House Amendments "A" and "B")*

AN ACT CONCERNING THE MANDATORY SCHOOL ATTENDANCE AGE.**SUMMARY:**

Starting July 1, 2001, this bill requires students to stay in school until age 18, instead of age 16, unless (1) they graduate from high school or (2) their parents or others having control over them consent to their leaving school at age 16 or 17. The student's parent or person with control over him must appear at the school district office to sign a form withdrawing the student from school. At that time, the bill requires the school district to provide the parent or person with information about educational options available in the school system and in the community.

The bill extends local school districts' existing responsibility for ensuring that all school age children who live in the district attend school to cover 16- and 17-year-olds who do not satisfy these conditions for dropping out. It extends the truancy laws to cover 16- and 17-year-olds who are enrolled in school. And it allows the education commissioner to award a state high school diploma to a 16- or 17-year-old only if the student left school with his parents' consent.

Finally, the bill gives a legal guardian authority to make major decisions concerning a minor's education in addition to such decisions concerning his welfare.

The bill does not change the current requirement for local school districts to offer alternative educational opportunities to expelled students only if they are under age 16.

*House Amendment "A" expands the truancy laws to cover 16- and 17-year-olds who are not enrolled in school and gives legal guardians authority to make educational decisions on a minor's behalf.

*House Amendment "B" specifies that police may stop children under age 18 instead of under age 16 during school hours to determine if they are truants.

EFFECTIVE DATE: July 1, 2001

APPLICABILITY OF TRUANCY LAWS

The bill makes a student under 18, instead of under 16, a truant if he is enrolled in school and has four unexcused absences in a month or 10 such absences in any school year. It makes a student under 18, instead of under 16, a habitual truant if he has 20 unexcused absences in any year.

By law, a school district's truancy policies must require it to hold a meeting with parents or others having control of a child who is truant and take other steps to address the problem. If the parent fails to attend the meeting or fails to cooperate with the school to address the child's truancy, the school superintendent must file a complaint with the Superior Court under the families with service needs law. Also by law, towns may adopt ordinances concerning habitual truants and impose penalties of up to \$20 for violating those ordinances.

The bill also allows towns to adopt ordinances concerning the welfare of children between the ages of five and 18, instead of five and 16, who are on the street without occupation and not in school and to impose penalties of up to \$20 for violating those ordinances.

Finally, the bill allows local police and other law enforcement authorities to stop any child under age 18, instead of under age 16, during school hours to see if the child is truant, and if he is, to send him to school.

BACKGROUND

State High School Diplomas

The education commissioner may award a state high school diploma to anyone who either (1) successfully completes an exam the commissioner approves (currently, the General Education Diploma (GED) or GED exam) or (2) is age 16 or over and presents evidence of

educational qualifications equivalent to those required for graduation from a public high school.

By law, a person must generally be at least age 17 and out of school for at least six months before he may take the GED exam. The commissioner can, for good cause shown, allow someone who is age 16 to take the exam, but he cannot award a state high school diploma to the person until he turns age 17.

Legislative History

The House referred the original bill (File 353) to the Appropriations Committee on April 7. The committee reported it favorably without change on April 10.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 28 Nay 1

Appropriations Committee

Joint Favorable Report

Yea 44 Nay 0